

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2284 – SB 2297

March 23, 2010

SUMMARY OF AMENDMENT (015662): Deletes all language after the enacting clause. Effective October 1, 2010, requires a licensed health care professional or health care facility, prior to contracting or employing within any person providing direct patient care for whom a background check has not been completed, to initiate and obtain the results of a name search with the national sex offender registry or any adult abuse registry maintained for a state in which the person has lived in the previous seven years or the Department of Health's elder abuse registry. Prohibits the health care professional or facility from employing or contracting with a person if he or she is listed in a registry. A health care professional or facility that complies with the provisions of the bill is immune from civil or criminal liability from any action brought against the professional or facility based upon the accuracy or inaccuracy of the information collected through the registry check. Requires the Department of Health, the Board for Licensing Health Care Facilities, and any applicable health related board to post on their Web sites a link to all potential databases that the professionals and facilities are required to check. The boards are required to notify its licensees annually through newsletters and renewals. The provisions of the bill do not apply to veterinarians or to contracted external staff who provides cleaning, maintenance, or other services where direct patient contact is not intended.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$74,900/One-Time
\$1,055,900/Recurring

Increase Federal Expenditures - \$18,700

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Expenditures – Not Significant/Health Related Boards
/Board for Licensing Health Care Facilities**

Assumptions applied to amendment:

- The applicable licensing boards within the Division of Health Related Boards and the Board for Licensing Health Care Facilities will be responsible for regulating the provisions of the bill. This will be accomplished during annual inspections of facilities and through complaint investigations for noncompliance. Any increase in expenditures will not be significant and can be accommodated within the existing resources of the Boards.

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- There will not be a significant increase in expenditures for the Department of Health and the applicable boards to include a link to the registries on their Web sites. Any cost can be accommodated within existing resources.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division had a balance of \$1,000,000. The Division's FY08-09 balance is not yet available.
- The Board for Licensing Health Care Facilities had deficits of \$440,300 in FY06-07 and \$217,700 in FY07-08. The Board's FY08-09 balance is not yet available.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml